

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ricardo Unikel on December 22, 2008.

The application has been amended as follows:

In claim 1, line 6, after "wherein" – the oil adsorbing material is at least one selected from the group consisting of: peat moss and derivatives thereof, Fuller's Earth, fly ash, and rock wool, and wherein – has been inserted.

In claim 22, line 5, after "wherein" – the oil adsorbing material is at least one selected from the group consisting of: peat moss and derivatives thereof, Fuller's Earth, fly ash, and rock wool, and wherein – has been inserted.

In claim 26, line 8, after "wherein" – the oil adsorbing material is at least one selected from the group consisting of: peat moss and derivatives thereof, Fuller's Earth, fly ash, and rock wool, and wherein – has been inserted.

The following is an examiner's statement of reasons for allowance: The limitation of the claims to an oil adsorbent selected from the group consisting of peat moss and its derivatives, Fuller's Earth, fly ash and rock wool, and to an oil absorbent material which forms an oil and water impermeable barrier when saturated with oil patentably

distinguishes over the prior art of record. The previously applied Ross and Bamer patents are flow-through devices, which do not disclose the use of an absorbent which forms an impermeable barrier when saturated with oil. Wilcox discloses a device which has a layer of sand, which has some oil adsorbing properties (see column 2, lines 1-3 of US Patent 6,485,639 to Gannon et al), over a layer of swelling hydrophobic polymer, which forms an impermeable barrier when saturated with oil. However, the sand in Wilcox is disclosed as being a physical filter for particulates and as a fire barrier (see column 3, lines 19-27), and any oil adsorbing properties would therefore be incidental to its use thereof. There would therefore have been no obvious motivation for one of ordinary skill in the art to replace the sand with adsorbents such as peat moss, Fuller's Earth, fly ash or rock wool.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

/Christopher Upton/

Primary Examiner, Art Unit 1797